

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

AARON L. SMITH, #185 015,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:19-CV-268-SRW
	)	[WO]
SHERIFF DAVE SUTTON, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

*Pro se* Plaintiff Aaron Smith filed this 42 U.S.C. § 1983 action on April 12, 2019. Defendants have since filed an answer, written report with supplements, and supporting evidentiary materials denying Plaintiff’s allegations. Docs. 22, 25, 28. On August 5, 2019, the Court instructed Plaintiff to file a response to Defendants’ materials by August 26, 2019. Doc. 29. The Court cautioned Plaintiff that his failure to file a response would result in the dismissal of this case for failure to prosecute. *Id.* To date, Plaintiff has not filed a response to Defendants’ materials or otherwise complied with the Court’s August 5, 2019, order.

A federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute or obey a court order. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962); FED. R. CIV. P. 41(b). The Eleventh Circuit has made clear that “dismissal is warranted only upon a ‘clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.’” *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (per curiam) (emphasis omitted) (quoting *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985)). Here, the undersigned finds that Plaintiff has willfully failed

to file a response in compliance with the Court's August 5, 2019 order despite ample time to do so. And, considering Plaintiff's disregard for orders of this Court, the undersigned further finds that sanctions lesser than dismissal would not suffice in this case.

For the foregoing reasons, the undersigned concludes that this case shall be dismissed without prejudice.

A final judgment will be entered separately.

DONE, on this the 19th day of January, 2022.

/s/ Susan Russ Walker  
Susan Russ Walker  
United States Magistrate Judge